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Lodged Propose Order

IN THE UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA

CV18-6742-RGK(MMMax)

In the Matter of the Seizure of

**Anv and all funds held in [REDACTED]
 [REDACTED] Account(s)
 xxxx1889, xxxx2592, xxxx1938,
 xxxx2912, and xxxx2500.**

Case No.

18-MJ-00722

Notice of Related Cases filed for: 18-MJ-00712; 18-MJ-00713; 18-MJ-00715; 18-MJ-00716; 18-MJ-00718; 18-MJ-00719; 18-MJ-00720; 18-MJ-00721; 18-MJ-00723; 18-MJ-00724; 18-MJ-00751; 18-MJ-00797; 18-MJ-00798; 18-MJ-00996; 18-MJ-00997; 18-MJ-00998; 18-MJ-00999; 18-MJ-01001; 18-MJ-01427; and, 18-MJ-1863

EX PARTE APPLICATION FOR
 PERMISSION TO FILE AN OVERSIZED
 BRIEF; DECLARATION OF KENNETH M.
 MILLER --
 [PROPOSED] ORDER FILED SEPARATELY

Claimant James Larkin, by and through undersigned counsel, hereby applies *ex parte* for permission to file an oversized brief. The brief is forty-one pages long and substantially over the twenty-five page limit of Local Rule 11-6. Therefore, Claimant seeks the Court's permission to file this over-sized brief.

Dated: 7/31/2018

Respectfully submitted,

BIERNERT, MILLER & KATZMAN, PLC

/s/ Kenneth M. Miller /s/

Thomas H. Bienert, Jr.

Kenneth M. Miller

Anthony R. Bisconti

Counsel for James Larkin

DECLARATION OF KENNETH M. MILLER

I, Kenneth M. Miller, declare the following:

1. The firm of Bienert, Miller, and Katzman, PLC, is counsel for James Larkin, a claimant in this action. I am one of the attorneys representing Mr. Larkin, along with Thomas H. Bienert, Jr., and Anthony R. Bisconti.

2. Defendant is filing along with this *ex parte* application, (1) Notice of Motion and Motion to Vacate or Modify Seizure Warrants; Declarations of James Larkin, Michael Lacey, John Brunst, Scott Spear, Margaret Larkin, Troy Larkin, Ramone Larkin, and Antoinette Thomas with Exhibits; (2) Request for Judicial Notice and Exhibits; and, (3) a Notice of Related Cases.

3. The brief is forty-one pages long and substantially over the twenty-five page limit of Local Rule 11-6. While the undersigned tried to make the brief as short as possible, the additional pages are necessary to fully present Claimant/Defendants' arguments for a number of reasons.

4. First, the brief challenges the seizure of more than \$ [REDACTED] in at least twenty separate but related cases. Combining challenges to multiple seizures in multiple cases into a single brief is the most efficient way to present these arguments, but it also makes the brief longer. And these civil seizures took place against the background of multiple other criminal and administrative seizures totaling more than \$ [REDACTED]. All of these seizures had to be described to explain the constitutional implications of the government's sweeping actions.

5. Second, the brief presents arguments on behalf of eight separate claimants in those related cases. Combining the claims of multiple claimants into a single brief is the most efficient way to present these arguments, but (again) it also makes the brief longer.

6. Third, the legal issues addressed are both novel and complex. Most seizure cases implicate the Fourth, Fifth and Sixth Amendments. Explaining how the First Amendment impacts these already complicated legal issues is a complex task.

7. For the reasons set forth, counsel asks the Court for permission to file the over-sized brief.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Dated on this 31st day of July, 2018, in San Clemente, California.

/s/ Kenneth M. Miller /s/
Kenneth M. Miller

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